

Remarks/Arguments:

Status

The Office Action dated April 14, 2006 (the "Office Action") has been carefully reviewed. Claims 30-36 are pending in this patent application. By this amendment, claims 30 and 34-36 have been amended, and claims 37-49 have been added. Reconsideration of this application, as amended, is respectfully requested.

Specification

In the Office Action, the Examiner objected to the Abstract of the Disclosure because of undue length. The Abstract of the Disclosure has been amended to be 150 words or less in accordance with 37 CFR 1.72(b). Therefore, Applicant submits that the Abstract of the Disclosure is now in proper form.

Drawings

In the Office Action, drawings 1-10 were objected to because of copy marks and poor line quality. Replacement drawings are attached hereto in response to the Examiner's request.

35 U.S.C. § 102 Rejection

Claims 30-36 were rejected under 35 U.S.C. § 102 as being anticipated by Caspari et al. (U.S. Patent No. 5,228,459). Claims 30 and 32-36 have been amended to more clearly define the invention. Reconsideration of claims 30-36, as amended, is respectfully requested.

Discussion Regarding Patentability of Amended Claim 30

Claim 30, as amended, reads as follows:

30. A system for accurately guiding placement of a bone engaging element in a bone comprising:
a guide configured to guide movement of the bone engaging element toward a location on a bone, said guide having a bore through which said bone engaging element may be advanced, and said bore defining a first longitudinal axis; and
a support apparatus configured to support said guide, said support apparatus including:
a support body mountable to the bone;
an arm extending from said support body; and
a position adjustment assembly supported on said arm; said position adjustment assembly including (i) a first gross adjustment mechanism configured to permit gross adjustment of said guide in relation to said support body along a second longitudinal axis, (ii) a first fine adjustment mechanism configured to permit fine adjustment of said guide in relation to said support body along said second longitudinal axis, (iii) a second gross adjustment mechanism configured to permit gross adjustment of said guide in relation to said support body along a third longitudinal axis, (iv) a second fine adjustment mechanism configured to permit fine adjustment of said guide in relation to said support body along said third longitudinal axis, and (v) a third adjustment mechanism configured to permit adjustment of said guide in relation to said support body along said first longitudinal axis,
wherein said first longitudinal axis is not coincident with said second longitudinal axis,
wherein said first longitudinal axis is not coincident with said third longitudinal axis, and
wherein said second longitudinal axis is not coincident with said third longitudinal axis.

Caspari does not disclose a position adjusting mechanism that includes all the characteristics called for in amended claim 30. In particular, Caspari's position adjusting mechanism does not include first gross and fine adjustment mechanisms that permit gross and fine adjustment along a longitudinal axis that

is different than the longitudinal axis of the bore of a bone engaging element guide, and second gross and fine adjustment mechanisms that permit gross and fine adjustment along another longitudinal axis that is different than the longitudinal axis of the bore of the guide. For instance, the gears 104 and 128 permit adjustment along the same longitudinal axis as the element 134 (equated with the "guide"). Moreover, element 134 is a pneumatic motor (see Caspari at column 5, lines 25-28), and not "a guide configured to guide movement of the bone engaging element toward a location on a bone, said guide having a bore through which said bone engaging element may be advanced, and said bore defining a first longitudinal axis" as called for in amended claim 30.

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Caspari does not disclose each and every element of Applicant's amended claim 30, Caspari does not anticipate Applicant's amended claim 30.

Discussion Regarding Patentability of Claims 31-36

Each of claims 31-36 depends directly or indirectly from amended claim 30. As a result, each of claims 31-36 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 30.

Newly Added Claims 37-49

Discussion Regarding Patentability of Amended Claim 37

The discussion relating to the patentability of amended claim 30 is relevant to the patentability of amended claim 37. Thus, amended claim 37 is believed to be allowable over the Caspari reference.

Discussion Regarding Patentability of Claims 37-44

Each of claims 37-44 depends directly or indirectly from amended claim 30. As a result, each of claims 37-44 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 37.

Discussion Regarding Patentability of Amended Claim 45

The discussion relating to the patentability of amended claim 30 is relevant to the patentability of amended claim 45. Thus, amended claim 45 is believed to be allowable over the Caspari reference.

Discussion Regarding Patentability of Claims 46-49

Each of claims 46-49 depends directly or indirectly from amended claim 45. As a result, each of claims 46-49 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 45.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

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